

HILL RIVKINS & HAYDEN LLP
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IBETO PETROCHEMICAL INDUSTRIES,
LIMITED,

05 Civ. 2590 (SAS)

Plaintiff,

- against -

M/T BEFFEN, her engines, tackle, boiler,
etc., *in rem*; and BRYGGEN SHIPPING AND
TRADING A/S, *in personam*,

**DECLARATION OF
KEITH B. DALEN**

Defendants.

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Keith B. Dalen, affirming under penalty of perjury declares and states:

1. I am an attorney and member of the firm of Hill Rivkins & Hayden LLP, attorneys for plaintiff, Ibeto Petrochemical Industries, Limited. I make this declaration in opposition to the motion of defendants to enjoin plaintiff from proceeding with its suit in Nigeria and to stay the present action pending arbitration in London.

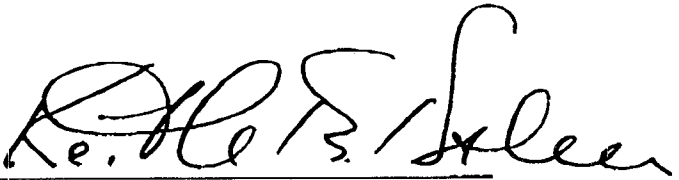
2. In my letter of August 9, 2005, to Trimar Defense Services, Inc. (Defendants' exhibit E), I make it clear to the vessel's representative that as early as July 11, 2005, plaintiff intended to litigate the case in Nigeria and not in London. For that

reason the demand to arbitrate in London, which was interposed solely to protect suit time, was withdrawn.

3. The commencement of suit in New York and demand for arbitration in London was designed to maintain the status quo while negotiations were continuing in New York in an attempt to settle the claim. As indicated in the affidavit of Babajide Koku (Defendants' exhibit 4), the case in Nigeria was adjourned several times to allow the parties to negotiate a settlement. When this failed, as reflected in the statement of Mr. Koku, the defendant was notified that the case in Nigeria would proceed.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 28, 2005


Keith B. Dalen (KD-4997)